

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sergio Guerra	Team: Team # 4	CCRB Case #: 201406253	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/23/2014 9:20 PM	Location of Incident: § 87(2)(b) enroute to the 40th Precinct stationhouse; 40th Precinct stationhouse	Precinct: 40	18 Mo. SOL 12/23/2015	EO SOL 12/23/2015	
Date/Time CV Reported Mon, 06/23/2014 11:03 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/23/2014 11:03 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Nelson Nin	15130	950955	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Elizabeth Tavera	12117	949717	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nelson Nin	Abuse: At § 87(2)(b) in the Bronx, PO Nelson Nin searched § 87(2)(b)	
B.POM Nelson Nin	Force: At § 87(2)(b) in the Bronx, PO Nelson Nin used physical force against § 87(2)(b)	
C.POM Nelson Nin	Force: At § 87(2)(b) in the Bronx, PO Nelson Nin used pepper spray against § 87(2)(b)	
D.POM Nelson Nin	Force: At § 87(2)(b) in the Bronx, PO Nelson Nin tightly handcuffed § 87(2)(b)	
E.POM Nelson Nin	Discourtesy: At § 87(2)(b) in the Bronx, while enroute to the 40th Precinct stationhouse and at the 40th Precinct stationhouse, PO Nelson Nin spoke rudely to § 87(2)(b)	
F.POM Nelson Nin	Off. Language: At § 87(2)(b) in the Bronx and while enroute to the 40th Precinct stationhouse, PO Nelson Nin made remarks to § 87(2)(b) based upon race.	
G.POM Nelson Nin	Abuse: At § 87(2)(b) in the Bronx and while enroute to the 40th Precinct stationhouse, PO Nelson Nin threatened § 87(2)(b) with the use of force.	
H.POM Nelson Nin	Abuse: At the 40th Precinct stationhouse, PO Nelson Nin did not obtain medical treatment for § 87(2)(b)	

### Case Summary

On June 23, 2014, at approximately 9:20 p.m., § 87(2)(b) was sitting on the steps of his building at § 87(2)(b) in the Bronx. At his side, § 87(2)(b) had a closed beer in a black plastic bag, along with two small bottles of alcohol in his back pocket; one of which was open. As PO Nelson Nin and PO Elizabeth Tavera drove passed, PO Nin observed § 87(2)(b) drinking out of one of the bottles. Approximately two minutes later, the officers drove passed again. PO Nin decided to approach § 87(2)(b) to issue him a summons for § 87(2)(b). PO Nin asked him what he was drinking and requested to see his identification. § 87(2)(b) stated that he did not have it on him. PO Nin asked § 87(2)(b) to stand up and allegedly searched his pockets, finding the two bottles (**Allegation A**). PO Nin again informed § 87(2)(b) that he would need to show some identification. § 87(2)(b) rang the bell so that his wife, § 87(2)(b) would come down and bring it. She came downstairs, but could not find it. PO Nin informed § 87(2)(b) that if no proof could be found, he would be taken to the stationhouse. He instructed § 87(2)(b) to place his hands behind his back, to which § 87(2)(b) said no. PO Nin then allegedly pushed § 87(2)(b) back into the building, with the palm of his hand making contact with her chest, and closed the door (**Allegation B**). PO Nin grabbed for § 87(2)(b)'s right hand. § 87(2)(b) pulled his hand away, at which point he was pepper-sprayed by PO Nin (**Allegation C**). After § 87(2)(b) continued to struggle, PO Nin handcuffed his right hand, shoved him down the stairs while holding him up, placed him against the RMP, and handcuffed his left hand, while making the right handcuff tighter (**Allegation D**). After § 87(2)(b) reiterated that his identification was not on him, PO Nin allegedly stated, "Oh fuck you. You're going to jail tonight." (**Allegation E**). PO Nin also allegedly said, "I'm going to punch this nigger in his head." (**Allegation F**). En route to the 40<sup>th</sup> Precinct stationhouse, PO Nin allegedly continued to make these statements, while also allegedly stating, "I'm going to slap the shit out of you if you are lying about your name." (**Allegation G**). § 87(2)(b) told the officers that his eyes were burning and asked PO Nin to loosen his right handcuff. PO Nin allegedly responded that he was not going to do "shit." Upon being walked into the stationhouse, § 87(2)(b) fell on the steps since he could not see, calling PO Nin an "asshole" for allowing him to do so. When brought to the holding cell area, § 87(2)(b) asked if he could wash the pepper spray out of his eyes. PO Nin allegedly responded, "Don't ask me shit." However, after 30 minutes, he was permitted to wash his eyes out. Later, § 87(2)(b) asked if he could go to the hospital for his eyes, but PO Nin allegedly responded, "You're not getting anything from me." (**Allegation H**). Additionally, § 87(2)(b) asked PO Nin if he could call his wife, but PO Nin allegedly stated, "Oh you ain't doing shit. I'm not giving you a fucking thing." In response to § 87(2)(b)'s complaints about his treatment, PO Nin allegedly stated, "Put that shit on YouTube." While at the stationhouse, it was discovered that § 87(2)(b) had a prior warrant for another incident § 87(2)(b). § 87(2)(b) was issued a summons for § 87(2)(b) and arrested for § 87(2)(b). He was taken to Central Booking and received a desk appearance ticket for § 87(2)(b). On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) for his injuries (encl. 9-12e). No video footage was obtained of the incident.

### Mediation, Civil, and Criminal Histories

This case was not eligible for mediation at the time of the incident. A Notice of Claim inquiry has been submitted to the Office of the New York City Comptroller and will be included in the case file upon receipt at the CCRB. As of April 15, 2015, § 87(2)(b) and § 87(2)(b) had no records on file with the Office of Court Administration (encl. 21a-22b).

### Civilian and Officer CCRB Histories

- This is the first complaint filed by both § 87(2)(b) and § 87(2)(b) (encl. 4-5).

- PO Nelson Nin has been a member of the NYPD for three years. He has had four CCRB cases with allegations of threat of arrest, threat of force, physical force, handcuffs too tight, stop, and discourtesy pled against him, but none were substantiated (encl. 3a-3b).

### Potential Issues

§ 87(2)(b) stated that there may have been witnesses to the incident, providing the first names of four different individuals. She stated that she wanted to speak with them first before providing their contact information.

§ 87(2)(b) also stated that two of his friends passed by during the incident, one of whom was named § 87(2)(b), but he told him to go away, saying that there was nothing to see. Additionally, he was told by § 87(2)(b) that § 87(2)(b) may have witnessed the incident from the fire escape. Just as requested by § 87(2)(b) asked to speak with them first before providing their contact information.

However, after numerous phone calls and letters to § 87(2)(b) and to the witnesses identified through a LexisNexis search, none of the witnesses could be reached. No mention was made of any civilian witnesses in the stationhouse.

Lastly, § 87(2)(b) stated that nearby developments and businesses may have captured the incident on video, but upon searching the area for potential cameras, none were observed.

### Findings and Recommendations

#### Explanation of Subject Officer Identification

PO Nelson Nin and PO Elizabeth Tavera both acknowledged stopping § 87(2)(b) for § 87(2)(b) and subsequently engaging in his arrest after he failed to provide identification. Specifically, PO Nin acknowledged asking § 87(2)(b) for his identification, moving § 87(2)(b) back inside the building, attempting to handcuff § 87(2)(b) using pepper spray on him, handcuffing and searching him, and taking him to the stationhouse, while PO Tavera acknowledged assisting in § 87(2)(b)'s arrest (encl. 13a-14f).

Additionally, § 87(2)(b) stated that she was provided with the names and badge numbers of both officers while at the 40<sup>th</sup> Precinct stationhouse (encl. 12c).

§ 87(2)(g)

#### Allegations not pleaded

§ 87(2)(g)

§ 87(2)(g)

Allegation A-Abuse: At § 87(2)(b) in the Bronx, PO Nelson Nin searched § 87(2)(b)

It is undisputed that PO Nelson Nin searched § 87(2)(b) at the scene. § 87(2)(g)

§ 87(2)(b) stated that after PO Nin asked him what he was drinking and asked for his identification, § 87(2)(b) asked why and stated that he did not have his identification on him. PO Nin then instructed § 87(2)(b) to stand up. When § 87(2)(b) stood up, PO Nin searched through all of § 87(2)(b)'s pants pockets, retrieving two small liquor bottles from his back pocket. One of the liquor bottles was open (encl. 10b-10d).

§ 87(2)(b) did not witness the allegation in question given the fact that she was upstairs during this interaction (encl. 12b-12c).

During PO Nelson Nin's CCRB interview, he stated that as he drove passed § 87(2)(b) he observed him drinking out of a small liquor bottle. When the officers re-approached, § 87(2)(b) was sitting in front of the entrance to the building. PO Nin decided to approach § 87(2)(b) with the intent of issuing him a summons for drinking in public and having an open container. When asked if he searched § 87(2)(b) PO Nin stated, "I believe so. Well, he didn't have any ID, we knew he was going back to the Precinct, so before we place the handcuffs or after we place the handcuffs, we do search before we take someone." PO Nin did not remember when § 87(2)(b) was searched. When asked if he specifically recalled searching § 87(2)(b) PO Nin stated, "Yes, he was under arrest. You have to search the prisoner." PO Nin was then asked if § 87(2)(b) was searched prior to the decision to arrest him, but it was again reiterated that he did not recall the exact moment when § 87(2)(b) was searched. PO Nin stated that the general procedure of a search is to take everything out of the suspect's pockets. Upon searching § 87(2)(b) PO Nin stated that a second unopened liquor bottle was discovered on § 87(2)(b)'s person (encl. 13a-13g).

During PO Elizabeth Tavera's CCRB interview, she stated that she was informed by PO Nin that he had observed § 87(2)(b) drinking from a liquor bottle. Given this, PO Nin approached him with the intent of issuing him a summons for having an open container. Upon approaching § 87(2)(b) PO Tavera stated that she also recalled observing an opened liquor bottle, although she could not provide any details as to its location or its contents. PO Tavera went on to state that after § 87(2)(b) was handcuffed and walked down the steps and before he was placed in the RMP, he was searched by PO Nin (encl. 14a-14f).

§ 87(2)(g)

**Allegation B-Force: At § 87(2)(b) in the Bronx, PO Nelson Nin used physical force against § 87(2)(b)**

It is undisputed that PO Nelson Nin made physical contact with § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after she agreed to retrieve § 87(2)(b)'s identification, PO Nin informed § 87(2)(b) that if she could not find proof of address or identification, § 87(2)(b) would be going with him to the stationhouse. § 87(2)(b) responded, "No, I'm not." PO Nin proceeded to tell § 87(2)(b) to place his hands behind his back. § 87(2)(b) said no, stated that he has rights, and that he should wait for § 87(2)(b) to return with his identification. PO Nin then pushed § 87(2)(b) backward into the vestibule of the building and closed the door, with his open palm making contact with her right breast. § 87(2)(b) stated that she almost fell backwards with the force of the push (encl. 12b-12c).

§ 87(2)(b) stated that after his wife, § 87(2)(b) came down to the front entrance of the building, standing at the threshold of the doorway which swings open outwards, he asked her to go upstairs and get his identification. After stating that she would, she asked, "But what's going on officer?" PO Nin stated, "Oh no, forget it. I'm locking you up." PO Nin then pushed § 87(2)(b) back into the vestibule of the building, with his open palm making contact with her chest. § 87(2)(b) could not

describe the amount of force used or § 87(2)(b)'s reaction to the push, as PO Nin immediately grabbed for his hand (encl. 10b-10d).

During PO Nelson Nin's CCRB interview, he stated that after § 87(2)(b) went upstairs to retrieve § 87(2)(b)'s identification and returned without it, PO Nin told § 87(2)(b) that he was going to be placed under arrest and taken to the stationhouse. PO Nin instructed § 87(2)(b) to turn around with his hands behind his back. § 87(2)(b) said "No" and stated that he was not going to be arrested. § 87(2)(b) also began cursing and yelling. Given § 87(2)(b)'s refusal, mannerisms, and demeanor, PO Nin felt that he was going to be difficult to arrest, was not going to comply, and that it was "going to be a fight." In response, PO Nin told § 87(2)(b) to go inside the building. She had been standing at the threshold of the doorway, which swings open outwards. PO Nin then placed her inside the building by putting his hands on her upper body, moving her inside, and shutting the door. When specifically asked if he pushed § 87(2)(b) PO Nin responded, "I don't believe it was forcefully, but I definitely put my hands on her." PO Nin then went on to state that the officers did not have "aggressive contact" with § 87(2)(b). PO Nin stated that § 87(2)(b) was placed inside for both her and the officers' safety, as he did not want her to get injured should the situation turn aggressive, did not want her harmed by the pepper spray, and did not want her to interfere in the arrest attempt. Prior to being placed inside the building, § 87(2)(b) had not been physical or violent. Based on his experience, PO Nin stated that when arresting someone with loved ones present, the situation can turn into "mayhem." PO Nin also described feeling as if the officers were at a "tactical disadvantage" as the area atop the landing was small and the officers had their backs to the staircase, putting them at risk of falling during the apprehension attempt. Thus, if § 87(2)(b) was also on the landing or holding the door open, the arrest would be further complicated (encl. 13a-13g).

During PO Elizabeth Tavera's CCRB interview, she stated that she did not recall if any contact was made with § 87(2)(b) or if she was restricted to the building during the arrest attempt. Furthermore, besides asking her to retrieve the identification, PO Tavera did not recall any additional conversation with § 87(2)(b) and did not observe any physical contact between her and PO Nin. PO Tavera also described being at a "disadvantage," as the officers were standing atop the landing where there was very little room, putting them at risk of falling. She also stated that § 87(2)(b) did not comply with the instructions to turn around, questioned why he was being placed under arrest, and began cursing. When PO Nin reached for his arm to place him under arrest, § 87(2)(b) shoved PO Nin, physically moving the officer back (encl. 14a-14f).

As per the regulations stipulated in NYPD Patrol Guide Procedure 203-11, PO Nin was acting within the limits of acceptable conduct regarding the "Use of Force." The Patrol Guide specifically states that members of service "are responsible and accountable for the proper use of force under appropriate circumstances." (encl. 1a-1b) § 87(2)(g)

Moreover, the same Patrol Guide Procedure states that members of service must use the "minimum force necessary." (encl. 1a-1b) § 87(2)(g)

§ 87(2)(g)

**Allegation C-Force: At § 87(2)(b) in the Bronx, PO Nelson Nin used pepper spray against § 87(2)(b)**

It is undisputed that PO Nelson Nin pepper-sprayed § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after his wife, § 87(2)(b) came down to the front entrance of the building, he asked her to go upstairs and get his identification. After stating that she would, she asked, “But what’s going on officer?” PO Nin then stated, “Oh no, forget it. I’m locking you up.” After placing § 87(2)(b) inside of the building, PO Nin grabbed § 87(2)(b)’s right hand and tried to place it behind his back. § 87(2)(b) acknowledged that he did try to pull his hand away when PO Nin reached for him. § 87(2)(b) then stated, “I thought we were supposed to get my ID. What the hell are you doing?” Upon grabbing his hand, PO Nin pepper-sprayed § 87(2)(b) (encl. 10b-10d).

§ 87(2)(b) stated that after she agreed to retrieve § 87(2)(b)’s identification, PO Nin informed § 87(2)(b) that if she could not find proof of address or identification, § 87(2)(b) would be going with him to the stationhouse. § 87(2)(b) responded, “No, I’m not.” PO Nin proceeded to tell § 87(2)(b) to place his hands behind his back. § 87(2)(b) said “No” and that he should wait for § 87(2)(b) to return with his identification. PO Nin attempted to put § 87(2)(b)’s arm behind his back, causing both § 87(2)(b) and PO Nin to push up against the door. During this, § 87(2)(b) was stating, “You can’t do this to me. I know my rights. You are harassing me.” PO Nin responded, “You are not going with me?” and grabbed § 87(2)(b)’s left hand. § 87(2)(b) resisted by pulling his arms and body away from PO Nin. In response, PO Nin pepper-sprayed § 87(2)(b) (encl. 12b-12c).

During PO Nelson Nin’s CCRB interview, he stated that § 87(2)(b) rang the bell for § 87(2)(b) which she responded to by coming down to the front entrance of the building. § 87(2)(b) was informed that § 87(2)(b)’s identification was needed and she went upstairs to retrieve it. After a few minutes, she returned without it. PO Nin then told § 87(2)(b) that he was going to be placed under arrest and taken to the stationhouse, and instructed him to turn around with his hands behind his back. § 87(2)(b) said “No” and stated that he was not going to be arrested. § 87(2)(b) then began cursing and yelling. Given § 87(2)(b)’s refusal, mannerisms, and demeanor, PO Nin felt that he was going to be difficult to arrest, was not going to comply, and that it was “going to be a fight.” In response, PO Nin placed § 87(2)(b) inside the building and, with his handcuffs out, reached for § 87(2)(b)’s hand, once again instructing him to give him his hands. § 87(2)(b) refused and stepped back away from PO Nin, continuing to yell. Despite numerous commands to give him his hands, § 87(2)(b) continued to move away from PO Nin and refused his instructions. PO Nin informed § 87(2)(b) that if he did not comply, he would be pepper-sprayed. § 87(2)(b) continued to refuse to comply and was pepper-sprayed by PO Nin. PO Nin also described feeling as if the officers were at a “tactical disadvantage,” as the area atop the landing was small and the officers had their backs to the staircase, putting them at risk of falling during the arrest attempt. In fact, after § 87(2)(b) was pepper-sprayed, he continued to try to break free, causing both he and PO Nin to fall atop the stairs. PO Nin suffered a bloody lip. § 87(2)(b) continued to twist his body, but was eventually handcuffed (encl. 13a-13g).

During PO Elizabeth Tavera’s CCRB interview, she stated that after § 87(2)(b) failed to produce her husband’s identification, PO Nin informed § 87(2)(b) that he would be placed under arrest and instructed him to turn around. § 87(2)(b) questioned why and began cursing. When PO Nin reached for his arm to place him under arrest, § 87(2)(b) shoved PO Nin, physically moving the officer back. PO Tavera joined in attempting to secure § 87(2)(b)’s arms in order to handcuff him, but § 87(2)(b) continued to move his arms away. Given this, PO Nin pepper-sprayed § 87(2)(b). PO Tavera believed that a verbal warning was given prior to this action, to which § 87(2)(b) continued to curse and move his body. PO Tavera also stated that § 87(2)(b) was pepper sprayed for the officers’ safety, as they were at a “disadvantage,” being on the landing where there was very little room, putting them at risk of falling. After approximately 5 minutes of struggling to arrest § 87(2)(b) he was handcuffed (encl. 14a-14f).

As per the regulations stipulated in NYPD Patrol Guide Procedure 212-95, PO Nin was within the limits of acceptable conduct regarding the “Use of Pepper Spray Devices.” The Patrol Guide specifically

states that “O.C. pepper spray may be used when a member reasonably believes it is necessary to effect an arrest of a resisting suspect.” (encl. 2a-2d) § 87(2)(g)

Additionally, the Patrol Guide goes on to state that “In many cases, pepper spray will reduce or eliminate the need for substantial physical force to effect an arrest or gain custody. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and it should be regarded as a possible alternative to such force and restraint, where practical.” (encl. 2a-2d) § 87(2)(g)

Lastly, the Patrol Guide states that “O.C. pepper spray may be used in arrest or custodial restraint situations where physical presence and/or verbal commands have not been, or would not be, effective in overcoming physical resistance.” (encl. 2a-2d) § 87(2)(g)

**Allegation D-Force: At § 87(2)(b) in the Bronx, PO Nelson Nin tightly handcuffed**

§ 87(2)(b)

It is undisputed that PO Nelson Nin handcuffed § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after PO Nin handcuffed his right hand on the landing atop the stairs and led him down the steps and against the RMP, he handcuffed his left hand, while subsequently making the right handcuff tighter. En route to the stationhouse, § 87(2)(b) asked PO Nin to loosen his right handcuff, to which PO Nin allegedly responded that he was not going to do “shit.” (encl. 10b-10d).

§ 87(2)(b) did not witness the allegation in question given the fact that after § 87(2)(b) was pepper-sprayed, she immediately ran upstairs to retrieve his identification. When she returned, § 87(2)(b) was already in the RMP (encl. 12b-12c).

During PO Nelson Nin’s CCRB interview, he stated that after § 87(2)(b) was handcuffed on the landing atop the steps, he was walked down the stairs and placed into the RMP. PO Nin denied tightening § 87(2)(b)’s handcuffs and stated that § 87(2)(b) never complained about the handcuffs being too tight or requested that they be loosened (encl. 13a-13g).

During PO Elizabeth Tavera’s CCRB interview, she stated that she did not observe PO Nin retighten the handcuffs and that § 87(2)(b) never requested the handcuffs be loosened (encl. 14a-14f).

§ 87(2)(g)

**Allegation E-Discourtesy: At § 87(2)(b) in the Bronx, while enroute to the 40th Precinct stationhouse and at the 40th Precinct stationhouse, PO Nelson Nin spoke rudely to § 87(2)(b)**

It is undisputed that PO Nelson Nin spoke to § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after PO Nin told him that he should have given him his identification, § 87(2)(b) reiterated that he did not have it on him at the time. In response, PO Nin allegedly stated, “Oh fuck you. You’re going to jail tonight.” En route to the stationhouse, PO Nin continued to make the same statement, while also allegedly stating, “I’m going to slap the shit out of you if you are lying about your name.” Moreover, § 87(2)(b) asked PO Nin to loosen his right handcuff, to which PO Nin allegedly responded that he was not going to do “shit.” At the 40<sup>th</sup> Precinct stationhouse, § 87(2)(b) asked if he could wash the pepper spray out of his eyes. PO Nin allegedly responded, “Don’t ask me shit.” Additionally, § 87(2)(b) asked PO Nin if he could call his wife, but PO Nin allegedly stated, “Oh you ain’t doing shit. I’m not giving you a fucking thing.” Lastly, after § 87(2)(b) told PO Nin that he should expect to hear about the way he was treating him, PO Nin allegedly stated, “Put that shit on YouTube.” (encl. 10b-10d).

§ 87(2)(b) did not witness the allegation in question given the fact that after § 87(2)(b) was pepper-sprayed, she immediately ran upstairs to retrieve his identification. When she returned, § 87(2)(b) was already in the RMP (encl. 12b-12c).

During PO Nelson Nin’s CCRB interview, he denied using discourteous language toward § 87(2)(b). In fact, PO Nin stated that § 87(2)(b) was doing the cursing and yelling. PO Nin also denied speaking to § 87(2)(b) on the way to the stationhouse (encl. 13a-13g).

During PO Elizabeth Tavera’s CCRB interview, she corroborated PO Nin’s statement and denied hearing him speak rudely to § 87(2)(b) (encl. 14a-14f).

§ 87(2)(g)

**Allegation F-Offensive Language: At § 87(2)(b) in the Bronx and while enroute to the 40th Precinct stationhouse, PO Nelson Nin made remarks to § 87(2)(b) based upon race**

It is undisputed that PO Nelson Nin spoke to § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after PO Nin told him that he should have given him his identification, § 87(2)(b) reiterated that he did not have it on him at the time. In response, PO Nin allegedly stated, “I’m going to punch this nigger in his head.” En route to the stationhouse, PO Nin continued to make the same statement (encl. 10b-10d).

§ 87(2)(b) did not witness the allegation in question given the fact that after § 87(2)(b) was pepper-sprayed, she immediately ran upstairs to retrieve his identification. When she returned, § 87(2)(b) was already in the RMP (encl. 12b-12c).

During PO Nelson Nin’s CCRB interview, he denied using offensive language toward § 87(2)(b). PO Nin also denied speaking to § 87(2)(b) on the way to the stationhouse (encl. 13a-13g).

During PO Elizabeth Tavera’s CCRB interview, she corroborated PO Nin’s statement and denied hearing him make remarks to § 87(2)(b) based upon his race (encl. 14a-14f).

§ 87(2)(g)

**Allegation G-Abuse: At § 87(2)(b) in the Bronx and while enroute to the 40th Precinct stationhouse, PO Nelson Nin threatened § 87(2)(b) with the use of force**

It is undisputed that PO Nelson Nin spoke to § 87(2)(b) § 87(2)(g)



§ 87(2)(b) stated that after PO Nin told him that he should have given him his identification, § 87(2)(b) reiterated that he did not have it on him at the time. In response, PO Nin stated, “I’m going to punch this nigger in his head.” En route to the stationhouse, PO Nin continued to make the same statement, while also allegedly stating, “I’m going to slap the shit out of you if you are lying about your name.” (encl. 10b-10d).

§ 87(2)(b) did not witness the allegation in question given the fact that after § 87(2)(b) was pepper-sprayed, she immediately ran upstairs to retrieve his identification. When she returned, § 87(2)(b) was already in the RMP (encl. 12b-12c).

During PO Nelson Nin’s CCRB interview, he stated that he did not threaten to use force on § 87(2)(b). PO Nin also denied speaking to § 87(2)(b) on the way to the stationhouse (encl. 13a-13g).

During PO Elizabeth Tavera’s CCRB interview, she corroborated PO Nin’s statement and denied hearing him threaten § 87(2)(b) with the use of force (encl. 14a-14f).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation H-Abuse: At the 40th Precinct stationhouse, PO Nelson Nin did not obtain medical treatment for § 87(2)(b)**

It is undisputed that PO Nelson Nin pepper-sprayed § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated that after being pepper-sprayed by PO Nin, as the officers transported him to the 40th Precinct stationhouse, he informed them that his eyes were burning and that he could not see well. When PO Nin walked § 87(2)(b) inside the stationhouse, he tripped and fell on the stairs as he could not see, calling PO Nin an “asshole” for allowing him to do so. Once in the holding cell area, § 87(2)(b) asked PO Nin if he could wash the pepper spray out of his eyes. In response, PO Nin allegedly stated, “Don’t ask me shit.” However, after 30 minutes, § 87(2)(b) was allowed to wash his eyes out. After being fingerprinted, § 87(2)(b) asked PO Nin if he could go to the hospital for his eyes. PO Nin allegedly responded, “You’re not getting anything from me.” (encl. 10b-10d).

§ 87(2)(b) did not witness the allegation in question as she was not in the holding cell area of the stationhouse (encl. 12b-12c).

During PO Nelson Nin’s CCRB interview, he stated that after § 87(2)(b)’s refusal to comply with commands he pepper-sprayed § 87(2)(b). However, he denied speaking to § 87(2)(b) on the way to the stationhouse. As they walked into the stationhouse, PO Nin did not recall § 87(2)(b) falling or stating that he could not see. Upon entering, § 87(2)(b)’s handcuffs were removed and he was taken to the bathroom, where he flushed his eyes out with water. PO Nin denied that § 87(2)(b) asked for medical attention (encl. 13a-13g). A medical treatment of prisoner report was filed in relation to the pepper-spraying (encl. 18).

During PO Elizabeth Tavera’s CCRB interview, she stated that no conversation was had with § 87(2)(b) in the RMP. Additionally, when they walked into the stationhouse, § 87(2)(b) did not trip or fall, and did not make any claims regarding his eyes. At the desk, she did not hear § 87(2)(b) make any complaints about needing to go to the hospital or washing his eyes out (encl. 14a-14f).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date